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08/243,046 05/16/94 BRANSCOMB

H ADIN79143MAH

EXAMINER

LUU, M

26M2/0516

ART UNIT PAPER NUMBER

MARK A HAYNES  
HAYNES AND DAVIS  
2180 SAND HILL ROAD  
SUITE 310  
MENLO PARK CA 94025-6935

2609

DATE MAILED:

05/16/95

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☒ This action is made final.

A shortened statutory period for response to this action is set to expire three month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892.        | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.             | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.       |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____   |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-4, 6-11 and 13 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1-4, 6-11 and 13 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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1. This application has been examined.
2. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "tag storage coupled with the video store" as recited in claim 1; the "controllable video image generator coupled to the video storage", and "the controllable video image generator coupled to the data processing resources" as recited in claim 3 (emphases added by underline) must be shown or the feature cancelled from the claim. No new matter should be entered.
3. Claims 1-4 and 6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 3 are vague, indefinite, and confusing since the drawings do not show the claimed feature in which Applicant regards as the invention (note the objection to the drawings as set forth above).

Dependent claims are rejected for incorporating the defects from their respective parent claims by dependency.

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, and 7-9, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Naimark et al (4,857,902).

Claims 1 and 7, Naimark discloses (figs.1, 2, and 5) an apparatus for assembling content addressable video which comprising:

a video storage (51) (frame buffer);  
tag storage (fig.1) (data space);  
processing resources (50) (computer); and

logic executed by the processing positions (the data space table) (col.8, lines 44-63).

Claims 2 and 8, Naimark discloses (fig.5) means for selecting a position (53) (trackball), and means (50) (computer) for accessing the frames of video data in the storage means (51) (frame buffer).

Claim 9, Naimark further discloses (figs.102) the subset of the plurality of frames (N14, N15, N8, N9) is the subset of frame (N4).

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6. Claims 3, 6, 10, and 13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Morgan (4,992,886).

Claims 3 and 10, Morgan discloses (figs.1 and 2) an apparatus for generating content addressable video, comprising:

a content image display (fig.2) (touch screen 30) which displays a content video image representative of an organization of content addressable video,

controller (processor 20) (video switcher 32) for generating control signals (col.3, lines 34-58);

controllable video image generator (remote cameras 80 and controllers 34) for generating frames of video data (col.3, lines 34-58); and

the data processing resources (20) for associating frames of video data generated by the controllable video generator (80) (34).

Morgan further discloses (figs.1 and 2) a video storage (processor), couples to the controllable video image generator (80) (34), for storing frames of video data generated by controllable video image generate (col.3, lines 42-48);

data processing resources (processor 20) coupled to the controllable video image generator (80) (34) and the controller (320(20) for associating the address of each frame of video data with a position in the content video image (col.3, lines 34-58).

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Claims 6 and 13, Morgan discloses (figs.1 and 20 means for selecting a position in the content video image (20) (44), and means (processor 20) for accessing the frames of video data in the storage means in response to selected positions (col.2, line 63 to col.3, line 19).

7. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

8. Claims 4 and 11 are rejected under 35 U.S.C. § 103 as being unpatentable over Morgan (4,992,866) in view of International Conference on Advanced Robotics (85 ICAR) Toshiba Corporation (Sept. 13, 1985).

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regarding to claims 3 and 10. with the exception of robot mounted video camera.

However, Toshiba Corporation discloses (fig.4) a robot mounted video camera which is controlled by the computer input device (tablet). It would have been obvious to incorporate the robot mounted video camera of Toshiba Corporation into the camera selection and positioning system of Morgan since this is well known in the art.

9. Applicant's arguments filed May 16, 1994 have been fully considered but they are not deemed to be persuasive.

a/ OBJECTION TO THE DRAWINGS UNDER 37 C.F.R. § 1.83(a)

Please note the new objection to the drawings as set forth above.

b/ OBJECTION TO SPECIFICATION AND REJECTION OF CLAIMS 1-4, 6-11, AND 13 UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

The rejection under 35 U.S.C. § 112, first paragraph has been withdrawn.

c/ REJECTION OF CLAIMS 1-4, 6-11, AND 13 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Please note the new rejection under 35 U.S.C. § 112, second paragraph as set forth above.

d/ REJECTION OF CLAIMS 1-4, 6-11 AND 13 UNDER 35 U.S.C. § 102 AND 103

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The rejections of claims 1-4, 6-11 and 13 under 35 U.S.C. § 102 and 103 are considered applicable by the cited references as set forth above.


10. This is a continuation of applicant's earlier application S.N. 08/146,400. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds or art of record in the next Office action if they had been entered in the earlier application.

Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See M.P.E.P. § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

11. Any inquiry concerning this communication should be directed to Matthew Luu at telephone number (703) 305-4850.

M.Luu/May 12, 1995

  
ULYSSES WELDON  
PRIMARY EXAMINER  
GROUP 2600